

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, January 12, 2015 at the Village Hall. Meeting opened at 6:04 p.m.

PRESENT: Mayor: Stephen C. McAvoy
Trustees: Charles Covell
James Tuk
Ellen Tuohey - Excused
Danny Woodward Jr.
Clerk-Treasurer Teri Woodworth
Supt. of Public Works Terry M. Woodworth
Code Enforcement Officer Aaron Young
Attorney David Schubel
Fire Chief Jason Gerety
Public: John & Barb Champlin

APPROVAL OF THE MINUTES

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr., to accept the minutes of the December 8, 2014 Regular meeting.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

PRIVILEGE OF THE FLOOR:

- Mr. & Mrs. Champlin inquired when the Village was going to move forward on the new Village Zoning map. Mayor McAvoy stated the Village will be working with Jim Bensley from the Orleans County Planning Board to get the process started. Mrs. Champlin asked if anything was being done about the cars on the property behind the Ho-Jack Ice Cream Shack. Mr. Champlin asked if fencing was going to be required for the auto repair shop and the property behind the Ho-Jack. Mayor McAvoy stated he will have Code Enforcement Young take care of it.

Report – Fire Chief Gerety

- Report - YTD calls – 208, MTD calls – 18 ,4 – EMS in Town, 4 – EMS in Village, 1 – Car fire in the Town, 2 - Gas Leak/Odor, 1 - Chimney Fire Town, 1 - Outside Furnace Fire, 1 - M/A Off Road to Carlton, 1 - M/A FAST to Medina, 1 - Hazardous Condition and 2 - Good Intent.
- Moved up Junior Fire Fighter Katie Gronkowski.
- New Member - Kenneth Miller - has completed all the necessary paperwork and just needs to be cleared by Tompkins Insurance as a driver.

RESOLUTION NO 2015-1

NEW MEMBER KENNETH MILLER

ON MOTION of Trustee Woodward Jr., seconded by Trustee Covell to approve new Lyndonville Fire Department member Kenneth Miller pending approval from Tompkins Insurance.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

- The ARC of Orleans County cleaning contract, there is a 5% increase in the cleaning cost bringing the monthly charge to \$86.93. Chief Gerety stated they are not happy with the quality of cleaning and requested the contract be terminated and check out other options. Superintendent Woodworth will have DPW clean until the Board decides if they want to put the job out to bid. Clerk-Treasurer Woodworth will contact the ARC to terminate the contract.

RESOLUTION NO 2015-2

FIRE DEPARTMENT CLEANING CONTRACT WITH THE ARC OF ORLEANS COUNTY

ON MOTION of Trustee Tuk, seconded by Trustee Woodward to approve terminating the contract with The ARC of Orleans County for cleaning the fire hall.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

- Fire Department Elections (effective January 1, 2014)
 - Fire Chief – Jason Gerety 1st Assistant – Ben Bane
2nd Assistant – Mike Heideman
Fire Captain – Adam Ehrenreich
EMS Captain – Lee Kistner
Fire Police Captain – Harold Scribner
 - President – Anna Schuner Vice President – Emerson Young
Secretary – Morgan Gerety
Treasurer – James Wells
Chaplin – Wes Bradley
 - Board of Directors: John Flanagan
Donald K Starr
Jim Scharlau
 - Membership Committee: John Flanagan
Donald K. Starr

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RESOLUTION NO 2015-3
2015 OFFICERS OF THE LYNDONVILLE FIRE DEPARTMENT

ON MOTION of Trustee Covell, seconded by Trustee Tuk, to accept the 2015 Officers for the Lyndonville Fire Department.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

- Chief Gerety mentioned he is working with Officer Larking to obtain a master key and turn out gear from a former member.

Report – Attorney Schubel

- Attorney Schubel mentioned Associate Broker Richard Hellert from Whipple Realty contacted him to complain about the Village charging the cost of the demolition for 15 Eagle Street back to the property, Mr. Hellert feels the Village should be neighborly and absorb the cost. Clerk-Treasurer Woodworth stated she and Mr. Hellert exchanged a very heated conversation regarding the same topic which was overheard by the Bonadio Group. Clerk-Treasurer Woodworth mentioned another individual who was acting inappropriately and stated she will be ask individuals to leave the building for inappropriate behavior and/or language. The Board agreed and support Clerk-Treasurer Woodworth. It was also mention Mr. Hellert would like to purchase the property behind the Ho-Jack Ice Cream Shack to put in a car wash. Superintendent Woodworth noted that the water from the car wash could not be put through the Village sewer system.
- Water Rate Agreement - Attorney Schubel is working on the first draft for the Village and Town to review at their next meetings.

Report – Code Enforcement Young

- Report: 0 - Building Permits, 1 - Appearance Ticket, Completed certification training last week, Cleaning up the office and preparing for 2015.
- Superintendent Woodworth asked if Code Enforcement Young would look into the number of vehicles and parking at 22 Lake Avenue.

Report – Clerk-Treasurer Woodworth

- Excessive Use Forgiveness - Clerk-Treasurer Woodworth asked the Board to sign off on the \$5,487.10 in forgiveness they authorized last month.
- Police Report - Confirmed everyone received Officer Larkin's police report.
- Orleans County Resolution NO. 77-205 - Clerk-Treasurer Woodworth explained the Village Hall is being charged for recycling/waste when the trash is being taking to the Waste Management dumpster at the Waste Water Treatment Plant. The Board discussed #5 of resolution 77-205 from Orleans County and mentioned that Village Police station is within our Village Hall.

Resolution 77-205

CONSOLIDATING AND CLARIFYING PREVIOUS RESOLUTIONS DESIGNATING PROPERTY CLASSIFICATION CODES FOR INCLUSION IN THE SOLID WASTE MANAGEMENT PROGRAM

WHEREAS, resolution numbers 167-391, 371-891, 396-891, 473-1191, 265-592 and 266-592 have specified which tax classification codes are to be included in the Solid Waste Management Program, and

WHEREAS, it would be beneficial to have all previously adopted resolutions consolidated into one, and

WHEREAS, the County of Orleans operates a countywide Solid Waste Management Program, and

WHEREAS, the County desires to use Property Type Classification Codes as established by the New York State Board of Equalization and Assessment to determine which property shall be charged for Solid Waste Management service, be it

RESOLVED, that the Assessors shall code selected parcels in accordance with instructions received from the County Real Property Tax Office, so that each parcel will be properly billed when tax bills are prepared, and be it

FURTHER RESOLVED, that each tax map parcel in the towns and villages within Orleans County in the categories of:

1. All residential parcels in categories 100 through 399 which actually contain a residential structure
2. All code 280 multiple residences, and all other parcels which contain more than one residential dwelling on one parcel shall be coded so they may be billed for the actual number of residential structures on the parcel
3. All commercial parcels in categories 400 through 499 except for vacant property
4. All recreation and entertainment parcels in categories 500 through 599 except for vacant property

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5. All community service parcels in categories 600 through 699 except for vacant property, property in 612 schools, 620 religious facilities, 651 highway garages, 662 police and fire protection facilities, 670 correctional facilities, 681 cultural facilities, and 695 cemeteries

are hereby designated as eligible for these services and shall be subject to the charges hereinafter established and imposed, and be it

FURTHER RESOLVED, that inasmuch as exactly the same services will be provided to each tax map parcel, a charge of one unit of service shall be imposed upon each such tax map parcel except parcels which contain two or more separate residential structures which shall be charged one unit of service for each residential structure as each such structure shall be serviced and except that parcels designated by this Legislature as being seasonal home areas that meet the following requirements: (a) it must be located in an area where there is a majority of residential properties that are coded 260 seasonal, (b) it must not be directly accessible from a public highway, shall receive only six months of service, covering the period of May 1 through October 31, and shall be charged for one-half unit of service, and except that all property locations which are operating as migrant labor camps under a permit issued by the Orleans County Public Health Department pursuant to part 15 of the New York State Sanitary Code shall also receive only six months of service and shall be charged for one-half unit of service, and be it

FURTHER RESOLVED, that the provider of solid waste services will provide additional units of service, including full units to seasonal property, to any property owner, at the current rate, provided that

1. The property owner requests the service
2. The extra service is added to the tax roll and billed as part of the property tax bill
3. Payment for the extra service is made as part of the regular monthly invoice
4. Property is accessible on a year round basis.

and be it

FURTHER RESOLVED, that this resolution supercedes those previously adopted regarding classification codes.

Moved, Bennett; second, Callard.

Adopted. 5 ayes; 0 nays; 2 absent, Bower and Tuohey.

RESOLUTION NO 2015-4

URGING ORLEANS COUNTY LEGISLATURE TO AMEND RESOLUTION NO. 77-205 CONSOLIDATING AND CLARIFYING PREVIOUS RESOLUTIONS DESIGNATING PROPERTY CLASSIFICATION CODES FOR INCLUSION IN THE SOLID WASTE MANAGEMENT PROGRAM

Whereas, all community service parcels in category 652 Govt Bldgs be exempt from recycling/waste charges.

ON MOTION of Trustee Tuk, seconded by Trustee Covell, to request the Orleans County Legislature to amend Resolution no. 77-205 #5 that community service parcels in category 652 Govt Bldgs be made exempt from recycling/waste charges effective immediately.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

- Orleans County Foreclosure List - Clerk-Treasurer Woodworth mentioned she has a list from the County if anyone would like to view it and there is one property in the Village.
- Orleans County is requesting a list of all property maintenance fees, mowing charges, demolition cost or any other extra charges that were included in the 2013/2014 tax roll.
- Time Warner Cable - Clerk-Treasurer Woodworth is waiting on a response from Time Warner Cable regarding the requested refunds if no response in the next week she will turn it over to Attorney Schubel.
- Bonadio Group - Started auditing fiscal years 2012/2013 and 2013/2014 on Monday January 5, 2015 and should be done this week.
- Records Destruction Authorization - In accordance with current records retention schedules, as per the MU-1 Retention Schedule created by the University of the State of New York- State Archives and Records Administration (SARA). The recorded list below may be scheduled for destruction.

Description of Records	Dates	Comments
Water/Sewer Bill Stubs/Bill Processing	2005 - 2007	
Old Supplements for Zoning Books		Replaced by new ones
Request for Village Tax Searches	2000 - 2005	
Vendor Packing Slips	1996	
Certificates of Liability Insurance	2002 - 2007	
Check Stubs	1/2/08 - 1/28/08	#3902 - 3958
Check Stubs	2/12/08 - 2/21/08	#3959 - 4009
Check Stubs	3/11/08 - 3/25/08	#4010 - 4052

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Check Stubs	4/15/08 - 4/17/08	#4053 - 4112
Check Stubs	4/17/08	#4113 - 4120
Check Stubs	5/1/08 - 5/13/08	#4121 - 4165
Check Stubs	5/16/08 - 5/29/08	#4166 - 4193
Check Stubs	6/10/08 - 6/24/08	#4194 - 4228
Check Stubs	7/2/08 - 7/21/08	#4229 - 4281
Check Stubs	8/1/08 - 8/11/08	#4282 - 4327
Check Stubs	8/21/08 - 8/26/08	#4328 - 4335
Check Stubs	9/2/08 - 9/9/08	#4336 - 4372
Check Stubs	9/19/08 - 9/24/08	#4373 - 4381
Check Stubs	10/7/08 - 10/14/08	#4423 - 4422
Check Stubs	10/15/08 - 10/28/08	#4424 - 4435
Check Stubs	11/3/08 - 11/11/08	#4436 - 4485
Check Stubs	11/10/08 - 11/25/08	#4487 - 4492
Check Stubs	12/1/08 - 12/9/08	#4493 - 4539
Check Stubs	12/18/08	#4540 - 4546
Check Stubs	6/03/05	#1264 - 1265
Check Stubs	7/13/05	#1266 - 1268

**RESOLUTION NO 2015-5
AUTHORIZATION TO DESTROY**

ON MOTION of Trustee Covell, seconded by Trustee Tuk to approve Clerk-Treasurer Woodworth and Clerk PT Nicholson to destroy the water/sewer bill stubs/bill processing 2005-2007, old supplements for zoning books, request for Village tax searches 2000-2005, vendor packing slips 1996, certificates of liability insurance 2002-2007 and check stubs June 3, 2005, July 13, 2005 and January 1, 2008 to December 18, 2008.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

- Vouchers – Abstract A8 #2138 - 2197 to be paid

General	\$ 10,480.63
Water	\$ 5,178.81
Sewer	\$ 3,880.12
Payroll	<u>\$ 2,869.73</u>
Grand Total	\$ 22,409.29

**RESOLUTION NO 2015-6
VOUCHERS TO BE PAID**

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk to have Clerk-Treasurer Woodworth to pay Abstract A8 Vouchers #2138-2197.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

- Discoveries during approved document destruction-
 - Prior Clerk-Treasurer Miller and prior Deputy Clerk Ames were paid for being elections inspectors, \$75.00 each.
 - Prior Mayor Scarr and prior Clerk-Treasurer Miller had cell phones paid for by the Village.
 - Chairs for the Village Hall were purchased an outside individual was hired to put them together instead of the DPW.
 - Prior Clerk-Treasurer Miller was reimbursed for coffee with no supporting proof of what was purchased.
 - Several purchases to Avanti's in Medina with no supporting proof of what was purchased.
 - Several vouchers were charged to the incorrect account codes.
 - Credit Card purchases without supporting documentation of what was purchased:
 - ❖ Prior Clerk-Treasurer Miller - Basket Factory \$53.04, Shieldspride \$236.00, Wal-Mart \$26.14, St. University at Morrisville \$75.00, Peking Buffet \$11.88 and Harriet Carter \$65.45.
 - ❖ Prior Mayor Scarr - Empire Vision \$128.94, Tillman's \$25.04 and Callaway Golf \$109.99.
 - Mileage paid without supporting documentation:
 - ❖ Prior Clerk-Treasurer Miller - \$978.45
 - ❖ Prior Mayor Scarr - \$615.45
 - ❖ Prior Deputy Clerk Ames - \$769.83

Report – Superintendent Woodworth

- Superintendent Woodworth requested approval to declare the 2002 Chevrolet Silverado 1500 as surplus equipment and put it for sale by sealed bid.

**RESOLUTION NO 2015-7
EXCESS EQUIPMENT**

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr., to declare the 2002 Chevrolet Silverado 1500 as surplus equipment and to sell by sealed bids to be submitted to Clerk-Treasurer Woodworth by 12:00pm (noon) on February 9, 2015 with the Village having the right to refuse any and all bids.

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Vote: 4 Ayes (Covell, McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

- 15 Eagle Street - Superintendent Woodworth is working on getting two more quotes on asbestos testing.
- Water Tower Maintenance - Superintendent Woodworth has not received a maintenance proposal from Utilities Service Group, he will email them and ask them to attend the February workshop.
- Ford tractor motor blew up and the estimated cost to have it repaired is \$7,500.00. Superintendent Woodworth noted the cost to replace the tractor would be \$45,000.00 to \$60,000.00.

RESOLUTION NO 2015-8
EQUIPMENT REPAIR

ON MOTION of Trustee Tuk, seconded by Trustee Covell, to authorized Superintendent Woodworth to have the Ford tractor motor repaired.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

- Tractor for snow removal - Superintendent Woodworth proposed entering into the same agreement as last year with Scott Woodworth for use of his tractor to remove snow on the sidewalks. Last years agreement was \$800.00 for thirty days and Superintendent Woodworth felt it was best just to do month to month at this point in the season.

RESOLUTION NO 2015-9
RENTAL AGREEMENT

ON MOTION of Trustee Covell, seconded by Trustee Woodward Jr., to authorize a month to month agreement with Scott Woodworth for use of his tractor for snow removal on the Village sidewalks.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

- Old Sanitary Sewer - The Board discussed Chatfield Engineer's plan to start the process of abandoning the old sanitary sewers on Eagle Street. Residents with floor drains will need to install sump pumps which will not be allowed to drain into the old sanitary sewer. The Village DPW will need to check residents to ensure the proper steps are being taken. Superintendent Woodworth noted the manholes on Eagle Street will need to be raised as part of the abandonment and he would like to start that before Eagle Street is paved in the summer of 2015. Superintendent Woodworth will put together a letter notifying residents.

RESOLUTION NO 2015-10
ABANDONMENT OF THE OLD SANITARY SEWER

ON MOTION of Trustee Tuk, seconded by Trustee Covell, to begin the abandoning the old sanitary sewers in accordance with Chatfield Engineer's plan starting on Eagle Street.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

- Pond/Dam - The Board discussed Chatfield Engineer's plan to keep the one big and one small flood gate on the North side. The approximate cost to repair all three gates is \$151,000.00. The South side repair of permanent block would be more of a long term fix, the approximate cost of \$150,000.00.
- PODS - Superintendent Woodworth shared an article from the Orleans Hub about temporary storage containers/PODs in the Village of Medina and noted this is something the Village of Lyndonville may need to think about.
- Minimum wage as of January 1, 2015 will be increased to \$8.75. This increase will effect part-time laborer Larry McAvoy and any summer help.

RESOLUTION NO 2015-11
MINIMUM WAGE

ON MOTION of Trustee Tuk, seconded by Trustee Woodward Jr., to comply with the New York State minimum wage increase to \$8.75 per hour.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

Report – Trustee Tuohey

- Nothing - Excused

Report – Trustee Tuk

- Electronic Waste - Trustee Tuk inquired if TV's are still being placed in the E-Waste shed. Superintendent Woodworth stated we are no longer excepting TV's and only a few have come in however the building is completely full. The Town of Yates is trying to come up with a plan or other options for residents. The Town of Cambria is currently paying \$0.20 per pound for electronic waste to be taken away.

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Report – Trustee Covell

- Sewer problem - Trustee Covell expressed his concerns over the emergency call in for a sewer back up at the E-Z Shop, wondering if the Village Sewer ordinance covered charging back to the property owner if they are found at fault. Superintendent Woodworth stated it would have to be plugged at the right of way to be the Village's responsibility. He also noted the plumber that was hired by the E-Z Shop owners went the wrong way with his sewer snake and was running into the building not out of the building. Superintendent Woodworth noted there hasn't been an issues since the new sewer was put in and the E-Z Shop installed the requested grease trap. Superintendent Woodworth will check the Village Sewer ordinance to confirm the Village is covered adequately.

Report – Trustee Woodward Jr.

- Public Safety Committee - Trustee Woodward Jr. inquired about getting a meeting going with the Fire Department and the Town of Yates on a future plan.

Report – Mayor McAvoy

- Shared Services - Mayor McAvoy received a letter from Legislator Chairman Callard inquiring if the Village is interested in joining with Orleans County on the shared services reporting to New York State. Mayor McAvoy responded yes to Mr. Callard's inquiry.
- Tax Cap - NYCOM has informed us the Tax Cap for fiscal years beginning June 1, 2015 is 1.68%.

NEW BUSINESS:

- Village Registration Day - The Board discussed not to have a Village Registration day for the March 18, 2015 Election.

RESOLUTION NO 2015-12

VILLAGE REGISTRATION DAY

ON MOTION of Trustee Woodward Jr., seconded by Trustee Covell, that the Village of Lyndonville will not have a registration day for the March 18, 2015 Election.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

- Polling Place - The Board discussed the polling location and time.

RESOLUTION NO 2015-13

POLLING PLACE FOR THE VILLAGE OF LYNDONVILLE MARCH 18, 2015 ELECTION

ON MOTION of Trustee Woodward Jr., seconded by Trustee Tuk, to set the polling place and hours for the Village of Lyndonville Village Election on March 18, 2015 to be as followings the hours from 12:00pm (noon) to 9:00pm and the location to be at the Village Hall 2 South Main Street, Lyndonville, NY 14098.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

- Election Inspectors - Clerk-Treasurer Woodworth requested that the same three elections inspectors be used as last year, Patricia M. Gawne, Vida A. Johnston and Carla M. Woodworth. The Board discussed setting their pay rate at \$9.00 per hour the same as last year.

RESOLUTION NO 2015-14

ELECTION INSPECTORS FOR THE MARCH 18, 2014 ELECTION

ON MOTION of Trustee Covell, seconded by Trustee Tuk, to appoint Patricia Gawne, Vida A. Johnston and Carla M. Woodworth as the election inspectors for the March 18, 2015 Village Election and their rate of pay be \$9.00 per hour.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

- AIM - The Board discussed the editorial on the Orleans Hub regarding fair funding from state could turn Villages around.

RESOLUTION NO 2015-15

STATE AID

WHEREAS, New York State provides \$714 million in Aid and Incentives to Municipalities each year, and 90 percent of that goes to upstate cities;

WHEREAS, the AIM funding per capita is \$277 per city resident and only \$7 for residents in towns and villages;

WHEREAS, there are 549 villages with a combined population of 1,918,032 in New York State, including four (Albion, Holley, Lyndonville and Medina) in Orleans County with a population of 14,770;

WHEREAS, many villages wrestle with the same problems as cities, with aging infrastructure, blighted housing, abandoned commercial sites, brownfields and increased crime rates;

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WHEREAS, villages are similar to cities with a high concentration of senior citizens and low-income families;

WHEREAS, villages mirror cities as centers for culture, civic and religious life, especially in rural counties;

WHEREAS, villages are like cities with many important community structures – churches, courthouses, schools and other public buildings – that do not pay taxes, shifting the tax burden for those sites to other residents in the village or city;

WHEREAS, the state’s tiny share of AIM funding for villages has put villages at a competitive disadvantage in attracting and retaining businesses and residents;

WHEREAS, the huge disparity in AIM funding between the cities and villages is a form of state-sponsored economic discrimination, resulting in much higher tax bills for village residents and a diminished quality of life;

WHEREAS, the erosion of the village tax base has shifted a greater burden of town, county and school district tax burden outside the village, punishing the outside-village residents as well;

WHEREAS, the high tax rates in the village encourage suburban sprawl, making nearby green space and farm land vulnerable for housing tracts, industrial parks and “Big Box” stores;

WHEREAS, a village resident is no less a New Yorker than a city resident;

WHEREAS, the Village of Lyndonville, call on Gov. Andrew Cuomo and the State Legislature to adopt a fair formula for sharing AIM funding so village residents can enjoy municipal services and their homes without being taxed to death.

RESOLVED, that the clerk of the Village of Lyndonville shall forward copies of this resolution to Gov. Andrew M. Cuomo, Senator Robert Ort, Assemblyman Steve Hawley, Assemblywoman Jane Corwin, and all others deemed necessary and proper.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

ON MOTION of Trustee Woodward Jr., seconded by Trustee Covell, to adjourn the meeting at 8:11 p.m.

Vote: 4 Ayes (Covell, McAvoy, Tuk, Woodward Jr.); 0 Nays; 0 Abstain

Teri Woodworth
Clerk-Treasurer